

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

PHILMAR DAIRY, LLC, ARCH  
DIAMOND, LLC, MOONSTONE  
DAIRY, LLC, and HENDRIKA DAIRY,  
LLC,

Plaintiff/Counter-Defendants,

v.

No. 2:18-cv-00530-SMV-KRS

ARMSTRONG FARMS and RANDY  
ARMSTRONG,

Defendants/Counterclaimants.

**SCHEDULING ORDER**

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on August 16, 2018. At the hearing, the Court adopted the parties proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below.

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of thirty-five (35) interrogatories to Plaintiffs, collectively, and thirty-five (35) to Defendants, collectively, with responses due thirty (30) days after service.
- (b) Maximum of thirty-five (35) requests for admission to Plaintiffs, collectively, and thirty-five (35) to Defendants, collectively, with responses due thirty (30) days after service.
- (c) Maximum of ten (10) depositions by Plaintiffs and ten (10) by Defendants. The parties may seek leave of the Court should a greater number be required. Each

deposition shall not exceed seven (7) hours unless extended by the parties' agreement during the deposition.

**IT IS FURTHER ORDERED** that the following case management deadlines shall govern:

(a) Deadline for Plaintiffs to join parties pursuant to Federal Rule of Civil Procedure 15: **September 14, 2018;**

(b) Deadline for Plaintiffs to amend pleadings pursuant to Federal Rule of Civil Procedure 15: **September 28, 2018;**

(c) Deadline for Defendants to join parties pursuant to Federal Rule of Civil Procedure 15: **September 14, 2018;**

(d) Deadline for Defendants to amend pleadings pursuant to Federal Rule of Civil Procedure 15: **September 28, 2018;**

(e) Plaintiffs' expert-disclosure deadline: **December 14, 2018;**

(f) Defendants' expert-disclosure deadline: **January 14, 2019;**

(g) Deadline for supplementing discovery/disclosures: **in accordance with the Federal Rules of Civil Procedure;**

(h) Termination of discovery: **February 12, 2019;**

(i) Motions relating to discovery: **February 20, 2019;**

(j) All other motions: **March 13, 2019;**

(k) Pretrial order: Plaintiff to Defendant by: **May 20, 2019;**

Defendant to Court by: **May 28, 2019.**

**IT IS FURTHER ORDERED** that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made

during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in dark ink, reading "Kevin Sweazea", is positioned above a horizontal line.

KEVIN R. SWEAZEA

UNITED STATES MAGISTRATE JUDGE